

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 18, 2003

D036373 People v. Diaz et al.

Diaz's prison prior enhancements are stricken rather than stayed and the various gang enhancements for Meza, Mata and Nunez, which were imposed under section 186.22, subdivision (b)(1) and then stayed, are stricken. As so modified, the judgments are affirmed. The trial court is directed to prepare amended abstracts of judgment for each defendant reflecting his respective modification and to forward a certified copy of each amended abstract to the Department of Corrections. Huffman, Acting P.J.;
We Concur: O'Rourke, J., McConnell, J.

D039375 People v. American Surety Company

The order is reversed. The cause is remanded to the trial court with directions to vacate the forfeiture and exonerate the bond. American is entitled to costs on appeal. Haller, J.; We Concur: Kremer, P.J., Benke, J.

D038467 People v. Soto

The judgment is affirmed. McConnell, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D037678 People v. Gerardo et al.

The judgments are affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.

D038558 Csaszi v. Sharp Healthcare

We affirm the portions of the judgment finding in Sharp's favor on Csaszi's claim for unpaid wages and awarding attorney fees to Sharp for prevailing on this claim. We reverse the portion of the judgment dismissing Csaszi's first, second, third and fifth causes of action based on the summary adjudication. The court is ordered to vacate its order granting summary adjudication on these causes of action, permit Csaszi to file an opposition, and consider Sharp's motion on the merits. The parties to bear their own costs on appeal. Haller, J.; We Concur: Kremer, P.J., Benke, J.

Court convened at 9 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices
Richard Huffman and Gilbert Nares
Clerk: D. E. Moore

D039406 Kelly v. Kelly

Cause called on merits. No appearance by appellant's counsel. William E. Blatchley, Esq. submitted a stipulation to waive oral argument. Cause submitted.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate
Justices Gilbert Nares and James McIntyre
Clerk: D. E. Moore

D037467 Shields, Harper & Company, Inc. v. Gage

Cause called on merits. Gary S. Garfinkle, Esq. argued for appellant. Lowell Robert Fuselier, Esq. argued for respondent. Mr. Garfinkle replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 18, 2003 (Continued)

D038781 Vick v. Pacifica Services, Inc.

Cause called on merits. John Zaimes, Esq. argued for appellant/cross-respondent.
Craig A. Miller, Esq. argued for respondent/cross-appellant. Mr. Zaimes replied. Cause submitted.

Cause submitted at 10:11 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices
Patricia Benke and Judith Haller
Clerk: D. E. Moore

D039513 Garcia et al. v. West

Cause called on merits. Corinne Bertsche, Esq. argued for respondent. Maxwell C. Agha, Esq. argued
for respondent. Cause submitted.

D039467 Bradley v. Lawhead

Cause called on merits. Jerry D. Hemme, Esq. argued for appellant. Simon J. Freedman, Esq. argued for
respondent. Mr. Hemme replied. Cause submitted.

D038148 Caccia v. Sofonio

Cause called on merits. Robert Howard Berman, Esq. argued for appellant/cross-respondent.
Frank Tobin, Esq. argued for respondent/cross-appellant. Mr. Berman replied. Cause submitted.

Court adjourned at 3 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 19, 2003

D040026 In re Christopher H., a Juvenile

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D041001 In re Edgar S. et al., Juveniles

Dismissed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D039319 People v. Thompson

The order is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D039539 People v. Cochran

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D039551 Pratt v. Syntron Bioresearch, Inc., et al.

The petition for rehearing is denied. The request for publication of the opinion is denied.

D038707 County of San Diego v. ACE Property & Casualty Insurance Company et al.

The judgment is affirmed. ACE is awarded its costs on appeal. CERTIFIED FOR PUBLICATION.
McConnell, J.; We Concur: McDonald, J., O'Rourke, J.

D040427 People v. Trexler

Judgment affirmed. Nares, J.; We Concur: Kremer, P.J., Haller, J.

**D041098 Guillermo L. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D041217 In re Cache L., a Juvenile

Appeal dismissed. Appellant asks for leave to file a supplemental brief in propria persona. The request is denied. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D039424 People v. Arguilez

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

D040432 Mahdavi v. State of California et al.

The motion to dismiss the appeal as to Rafael Arreola and Karen Riley is granted. The appeal is dismissed as to those individuals.

D041497 Schleger et al. v. State of California Department of Social Services

The petition is denied.

**D041624 Rand v. Superior Court of San Diego County/The Division of Medical Quality,
Medical Board of California, Department of Consumer Affairs**

The request for stay is granted. Justice Nares would have denied the request for stay.
The Decision After Non-Adoption is stayed pending the trial court's ruling on the petition for writ of mandate. Petitioner shall provide this court with the ruling as soon as it is available.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 20, 2003

D040545 People v. Martinez

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D039508 Geothermal Energy & Mineral Corporation v. Magma Land Company I/Magma Power Company et al.

Upon written stipulation filed by the parties to the appeals, the appeals are dismissed and the remittitur is ordered to issue immediately. The parties shall bear their own costs on appeal.

D041614 People v. Piatek

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

D040368 People v. Wells

Judgment affirmed. Haller, J.; We Concur: Kremer, P.J., Nares, J.

D039384 People v. Shanley

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D041418 Brackney v. Superior Court of San Diego County/People

The petition is denied.

D041403 Wolcott v. Workers' Compensation Appeals Board/Chandler Packaging, Inc.

The petition is denied.

D041640 Summers v. Superior Court of San Diego County/McClanahan

The petition is denied.

D041358 Collins v. Feldman et al.

D041569 Collins v. Feldman et al.

Appellants' unopposed motion to consolidate the above-entitled appeals is granted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 21, 2003

D041423 A & M Towing v. Workers' Compensation Appeals Board/Thornton

The petition is denied.

D040637 Rancho Santa Fe Association v. Dolan-King/Board of Directors of the Rancho Santa Fe Association

D041486 Rancho Santa Fe Association v. Dolan-King/Board of Directors of the Rancho Santa Fe Association

The stipulation to consolidate the above-entitled appeal is accepted.

D041348 Enright v. The Workers' Compensation Appeals Board of California/Solar Turbines Inc.

The petition is denied.

D041371 Parrault v. Superior Court of San Diego County/The People

The petition is denied.

D040307 People v. Nychay

D040308 People v. Nychay

Appellant's motion to consolidate the above-entitled appeals is granted.

D041531 Shana E. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Shana E. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Shana E. is dismissed.